

# EXHIBIT A

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When issuing the RUP, the Forest Service also approved South Fork Coal Company's Operating Plan which included various maintenance activities necessary to haul oversized loads on FS 249, including but not limited to, resurfacing of FS 249 with limestone aggregate, replacement of culverts as necessary, creating positive drainage of ditches, and erosion and sediment control measures consistent with routine road maintenance.

6. Upon information and belief, South Fork Coal Company, LLC has used FS 249 for coal hauling and FS 223 for material hauling activities as provided in the RUP since it was issued.

7. In February 2025, the Forest Service met with South Fork Coal Company, LLC and discussed the Company's plans to submit requests for Special Use Permit for use of FS 249 and a new RUP for the use of 223 to continue their hauling activities.

8. On May 8, 2025, South Fork Coal Company, LLC applied for a Special Use Permit to use Forest Road 249 for coal hauling. The Forest Service accepted the application on May 15, 2025.

9. In preparation of receiving these new applications, these requests are being analyzed under the special use regulations under 36 C.F.R. Subpart B, which governs the procedures for the Forest Service to consider, review and decide on all uses of National Forest System lands which are considered "special uses", 36 C.F.R. 251.50(a), which will include the appropriate NEPA and ESA analyses.

10. The Forest Service anticipates being able to complete any necessary NEPA analysis and ESA consultation in September 2025.

11. If, after completing any necessary NEPA and ESA analyses, the Forest Service grants South Fork Coal Company's special use permit application for FS 249, the Forest Service will simultaneously re-issue a modified Road Use Permit to South Fork Coal Company to continue use of FS 223 for transportation of equipment and materials.

12. The Forest Service, through counsel, is aware that South Fork Coal Company is in the process of navigating a bankruptcy that may result in the sale of South Fork Coal Company's assets. Neither road use permits nor special use permits are transferable or assignable. Therefore, if South Fork Coal Company ceased to exist, any active road use permits or special use permit applications would be null and void. If the new purchaser of South Fork Coal Company's assets wished to use FS 249 or FS 223 for coal or commercial hauling purposes, they would be required to apply to the Forest Service for the appropriate permits.

I swear under penalty of perjury that the foregoing is true and correct.

**ROBERT PHILLIPS**

Digitally signed by ROBERT  
PHILLIPS  
Date: 2025.07.29 12:54:24 -04'00'

Dated this 29th day of July, 2025.

Robert Phillips, P.E.